

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 NRC-07 SOE-02 AID-05 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 H-02 INR-10 INT-05 L-03
NSAE-00 NSC-05 OMB-01 PM-05 ICA-20 OES-07 SP-02
SS-15 STR-07 TRSE-00 ACDA-12 /130 W
-----010899 300809Z /12

R 300756Z MAY 78
FM AMEMBASSY TOKYO
TO DOE GERMANTOWN MD
DOE WASHDC
INFO SECSTATE WASHDC 8310

UNCLAS TOKYO 09652

E.O. 11652: N/A
TAGS: TECH, JA
SUBJECT: GEOTHERMAL AGREEMENT

DOE FOR IZELL, CARTER, IA; WILLIT, IA

REF: (A) TOKYO 8794, (B) TOKYO 7533

1. KUBOKAWA VISITED EMBASSY TO REPORT ON VISIT TO DOE
HQ PER REF A. FOLLOWING IS KUBOKAWA'S NEW VERSION
ARTICLE 12 WITH WHICH HE INDICATED DOE AGREES:

1. SHOULD ANY QUESTION OF LIABILITY OCCUR BETWEEN THE
PARTIES RELATING TO DAMAGES TO STAFF OR EQUIPMENT OR PRO-
PERTY OR BETWEEN A PARTY AND A THIRD PARTY DURING THE
COOPERATION, THE TWO PARTIES AGREE THAT COMPENSATION
FOR DAMAGES SHALL BE PROVIDED BY THE PARTY RESPONSIBLE
IN ACCORDANCE WITH THE APPLICABLE LAWS OF THE COUNTRY ON
WHOSE TERRITORY THE SAID DAMAGES HAVE BEEN INCURRED.

2. A. "STAFF" OF A PARTY MEANS THE EMPLOYEES OF THE PARTY,
ITS CONTRACTORS AND SUBCONTRACTORS PERFORMING SERVICES
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UNDER THIS ARRANGEMENT, AND EMPLOYEES OF THESE CONTRACTORS
AND SUBCONTRACTORS PERFORMING SERVICES UNDER THIS
ARRANGEMENT.

- B. "EQUIPMENT OR PROPERTY" OF A PARTY MEANS THE
EQUIPMENT OR PROPERTY OWNED OR CONTROLLED BY THAT PARTY,
OR BY THE CONTRACTOR AND SUBCONTRACTORS OF THAT PARTY WHO

PERFORM SERVICES IN CONNECTION WITH JOINT PROJECTS UNDER THIS ARRANGEMENT.

3. THE PARTY ON WHOSE TERRITORY THE DAMAGE WAS INCURRED SHALL IN CONSULTATION WITH THE OTHER PARTY, TAKE UPON ITSELF THE RESOLUTION OF ALL QUESTIONS CONNECTED WITH THE DETERMINATION OF THE CAUSES, EXTENT AND NECESSITY FOR COMPENSATION FOR DAMAGES INCURRED. ANY SUCH RESOLUTION SHALL HAVE THE CONCURRENCE OF THE OTHER PARTY.

4. IN THE EVENT OF ANY DISPUTE BETWEEN THE TWO PARTIES, A COMMITTEE SHALL BE APPOINTED BY THE PARTIES, WITH EQUAL REPRESENTATION. THE CONCLUSIONS OF THE COMMITTEE WILL BE PRESENTED TO DOE AND AIST WHO SHALL REVIEW THE CONCLUSIONS AND ARRIVE AT A MUTUAL AGREEMENT CONCERNING FINAL DISPOSITION.

2. IF DOE CONCURS IN REF B WITH SUBSTITUTION OF NEW ARTICLE 12 ABOVE REQUEST APPROVAL BY RETURN TWX AND DOE REP WILL SIGN GEOTHERMAL AGREEMENT.

3. REQUEST DOE REVIEW SOLAR AGREEMENT WITH SAME BOILER PLATE AND PROVIDE EMBASSY WITH TECHNICAL SECTION ACCEPTABLE TO DOE AND APPROVAL TO SIGN. MANSFIELD

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Message Attributes

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